

117TH CONGRESS  
1ST SESSION

# S. 3054

To require the Secretary of Transportation to modify certain regulations relating to hours of service requirements for drivers of property-carrying commercial motor vehicles, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Mr. LEE introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require the Secretary of Transportation to modify certain regulations relating to hours of service requirements for drivers of property-carrying commercial motor vehicles, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*

2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Truck Driver Safety

5 and Flexibility Act”.

6       **SEC. 2. HOURS OF SERVICE REQUIREMENTS; COMMERCIAL**

7                   **DRIVER'S LICENSES.**

8       (a) HOURS OF SERVICE REQUIREMENTS.—

1                             (1) IN GENERAL.—Not later than 90 days after  
2                             the date of enactment of this Act, the Secretary of  
3                             Transportation, acting through the Administrator of  
4                             the Federal Motor Carrier Safety Administration  
5                             (referred to in this Act as the “Secretary”), shall re-  
6                             vise section 395.3 of title 49, Code of Federal Regu-  
7                             lations—

8                                 (A) to increase the maximum driving time  
9                             for a driver of a property-carrying commercial  
10                             motor vehicle from 11 hours to 12 hours;

11                                 (B) to establish a maximum on-duty time  
12                             of 14 hours during any 24-hour period (as de-  
13                             fined in section 395.2 of that title (or a suc-  
14                             cessor regulation)) for a driver of a property-  
15                             carrying commercial motor vehicle;

16                                 (C) to provide that the on-duty time of a  
17                             driver of a property-carrying commercial motor  
18                             vehicle may not begin unless—

19                                     (i)(I) the driver has first taken 10  
20                                     consecutive hours off duty; and

21                                     (II) during the period of on-duty time,  
22                                     the driver complies with all applicable re-  
23                                     quirements of section 395.3 of that title,  
24                                     including the requirement described in sub-

1                   section (a)(3)(ii) of that section (or a suc-  
2                   cessor regulation); or

3                   (ii) at the election of the driver—

4                         (I) the driver has taken 8 con-  
5                         secutive hours off duty;

6                         (II) during the period of on-duty  
7                         time, the driver complies with all ap-  
8                         plicable requirements of section 395.3  
9                         of that title, including the requirement  
10                         described in subsection (a)(3)(ii) of  
11                         that section (or a successor regula-  
12                         tion); and

13                         (III) the driver—

14                         (aa) takes 2 rest breaks of  
15                         30 minutes each, which may be  
16                         taken separately or consecutively,  
17                         at the election of the driver, dur-  
18                         ing the period of on-duty time if  
19                         the driving time of the driver  
20                         during that period of on-duty  
21                         time is not more than 8 hours;

22                         (bb) takes 3 rest breaks of  
23                         30 minutes each, which, subject  
24                         to the requirement described in  
25                         section 395.3(a)(3)(ii) of that

1 title (or a successor regulation),  
2 may be taken separately or con-  
3 secutively, at the election of the  
4 driver, during the period of on-  
5 duty time if the driving time of  
6 the driver during that period of  
7 on-duty time is more than 8, but  
8 not more than 10, hours; or

(cc) takes 4 rest breaks of 30 minutes each, which, subject to the requirement described in section 395.3(a)(3)(ii) of that title (or a successor regulation), may be taken separately or consecutively, at the election of the driver, during the period of on-duty time if the driving time of the driver during that period of on-duty time is more than 10, but not more than 12, hours;

(E) to provide that, if, at the time that the driver of a property-carrying commercial motor vehicle reaches 14 hours of on-duty time or 12 hours of driving time, the driver is within 150 miles of the destination of the trip, as established at the outset of the trip—

(i) the driver may continue driving until that destination is reached;

(ii) the driving time of the driver shall

exclude all time—

(I) during the period beginning

when the driver reaches 12 hours of driving time and ending on completion of the trip; and

(II) that is necessary to reach, or

otherwise complete the trip at, that destination; and

(iii) the on-duty time of the driver

shall exclude all time—

(I) during the period beginning

when the driver reaches 14 hours of on-duty time and ending on completion of the trip; and

(II) during which the driver carries out an activity necessary to reach,

1                   or otherwise complete the trip at, that  
2                   destination, including any time de-  
3                   scribed in paragraph (3) or (5) of the  
4                   definition of the term “on-duty time”  
5                   in section 395.2 of that title (or a suc-  
6                   cessor regulation).

7                   (2) REQUIREMENT.—In carrying out paragraph  
8                   (1), the Secretary shall not modify the limits de-  
9                   scribed in section 395.3(b) of title 49, Code of Fed-  
10                  eral Regulations.

11                  (3) LIMITATION.—Beginning on the date of en-  
12                  actment of this Act, if the Secretary revises section  
13                  395.1(e)(1) of title 49, Code of Federal Regula-  
14                  tions—

15                  (A) the Secretary may not decrease the  
16                  150 air-mile radius described in that section,  
17                  but may increase that radius, as the Secretary  
18                  determines to be appropriate; and

19                  (B) the Secretary may not revise any 14-  
20                  hour period described in that section to a period  
21                  that is less than 14 hours, but may increase the  
22                  length of the period beyond 14 hours, as the  
23                  Secretary determines to be appropriate.

24                  (b) COMMERCIAL DRIVER’S LICENSES.—Not later  
25                  than 90 days after the date of enactment of this Act, the

1 Secretary shall revise section 391.11 of title 49, Code of  
2 Federal Regulations, to lower the minimum age for obtain-  
3 ing a commercial driver's license from 21 to 18 years of  
4 age.

5 **SEC. 3. ELECTRONIC LOGGING DEVICE OVERSIGHT.**

6 (a) REPORT ON PROCESSES OF THE FEDERAL  
7 MOTOR CARRIER SAFETY ADMINISTRATION.—Not later  
8 than 180 days after the date of enactment of this Act,  
9 the Secretary shall submit to Congress a report detailing  
10 the processes—

11 (1) used by the Federal Motor Carrier Safety  
12 Administration—

13 (A) to review electronic logging device logs;  
14 and

15 (B) to protect proprietary information and  
16 personally identifiable information obtained  
17 from electronic logging device logs; and

18 (2) through which an operator may challenge or  
19 appeal a violation notice issued by the Federal  
20 Motor Carrier Safety Administration relating to an  
21 electronic logging device.

22 (b) STUDY ON THE COSTS AND EFFECTIVENESS OF  
23 ELECTRONIC LOGGING DEVICES.—Not later than 180  
24 days after the date of enactment of this Act, the Com-  
25 troller General of the United States shall—

- 1                   (1) complete a study on the costs and effective-
- 2                   ness of electronic logging devices; and
- 3                   (2) submit to Congress a report on the results
- 4                   of the study under paragraph (1).

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